

## IDAP REPORT

	104-106 Burlington Road HOMEBUSH
<b>Property:</b>	LOT 2 DP 534181 DA2021.131
<b>Proposal:</b>	Alterations and additions to existing dwelling house (heritage item I25 - "Billesdon") and construction of a detached carport.
<b>Applicant:</b>	D Barbour
<b>Owner:</b>	D Barbour
<b>Date of lodgement:</b>	9 June 2021
<b>Notification period:</b>	18 June 2021 – 2 July 2021
<b>Submissions received:</b>	Nil
<b>Assessment officer:</b>	J Gillies
<b>Estimated cost of works:</b>	\$48,000.00
<b>Zoning:</b>	R2-Low Density Residential - SLEP 2012
<b>Heritage:</b>	Yes – Local heritage item I25 - "Billesdon"
<b>Flood affected:</b>	No
<b>Is a Clause 4.6 Variation Proposed:</b>	No
<b>RECOMMENDATION OF OFFICER:</b>	<b>APPROVAL</b>

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Figure 1 – Locality Plan

## **EXECUTIVE SUMMARY**

### **Proposal**

Development consent is being sought for alterations and additions to the existing dwelling house (heritage item I25 - "Billesdon") and construction of a detached carport.

### **Site and Locality**

The site is identified as 104-106 Burlington Road, Homebush and has a legal description of Lot: 2 DP: 534181. The site is an irregular shaped parcel of land and is located on the southern side of Burlington Road.

The site has a frontage to Broughton Road of 26m, a depth of 60.96m, a rear boundary of 45.72m and an overall site area of 1,934m<sup>2</sup>.

The locality surrounding the subject site contains primarily traditional pitched roof dwellings, a number of which are heritage listed or within heritage conservation areas.

### **Strathfield Local Environmental Plan**

The site is zoned R2-Low Density Residential under the provisions of Strathfield LEP 2012 and the proposal is a permissible form of development with Council's consent. The proposal satisfies all relevant objectives contained within the LEP.

### **Development Control Plan**

The proposed development generally satisfies the provisions of Strathfield Consolidated DCP 2005. This is discussed in more detail in the body of the report.

### **Notification**

The application was notified in accordance with Council's Community Participation Plan from 18 June 2021 – 2 July 2021 where no submissions were received.

### **Issues**

- Basement construction,
- Plan details and accuracy.

### **Conclusion**

Having regards to the heads of consideration under Section 4.15 of the Environmental Planning & Assessment Act 1979, Development Application 2021/131 is recommended for approval subject to suitable conditions of consent.

## REPORT IN FULL

### **Proposal**

Council has received an application for Alterations and additions to an existing dwelling house (heritage item I25 - "Billesdon") and construction of a detached carport. More specifically, the proposal includes;

Ground floor level:

- Construction of a new window on the eastern elevation in the location of an existing Bathroom (WC).

First floor level:

- Demolition of internal bathroom walls and enlarging of an existing window on the southern façade.
- Construction of a small rear balcony (southern elevation).
- Construction of an extension on the western side of the building and creation of two new bedrooms, storage and ensuite for the master bedroom.

External works:

- Construction of a carport over part of the eastern driveway adjoining the existing garage.

### **The Site and Locality**

The subject site is legally described as Lot: 2 DP: 534181 and commonly known as 104-106 Burlington Road, Homebush. The site is an irregular 'L' shaped parcel of land and is located on the southern side of Burlington Road between Bridge Road to the west and Meredith Street to the east.

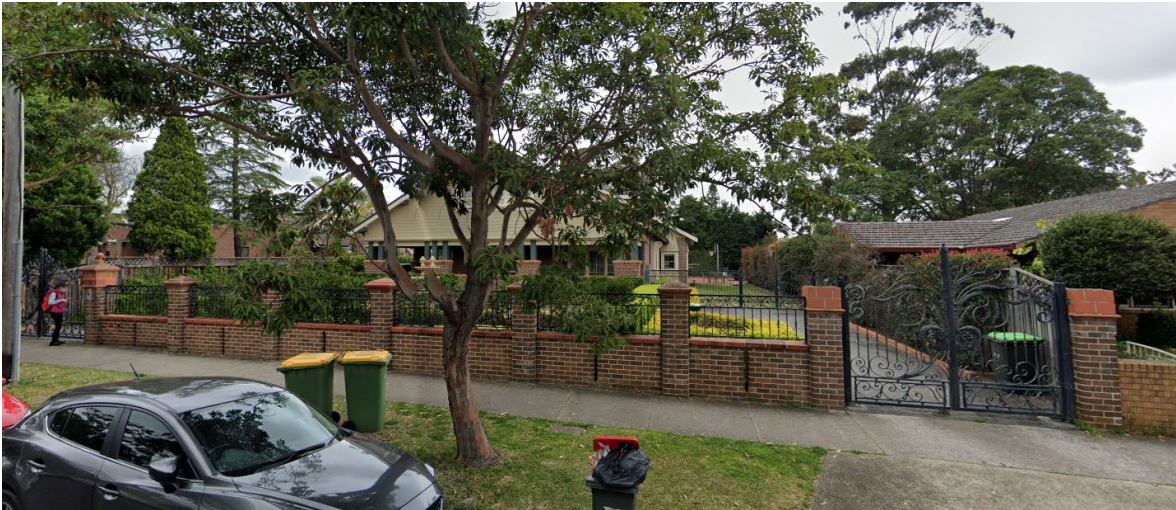
The site has a frontage to Broughton Road of 26m, a depth of 60.96m, a rear boundary of 45.72m and an overall site area of 1,934m<sup>2</sup>. The site is generally flat, with a slight fall from south to north.

The site is occupied by a local heritage item I25 - "Billesdon". The site incorporates dual driveway crossovers and driveways, both running along the side boundary. The eastern driveway leads to an attached garage and the western driveway leads to the rear yard.

The site features a well maintained federation bungalow that has a large shingled gable which projects to the front and side to form a wide L-shaped verandah. The house contains dimpled lead windows and simple timber supports for the verandah. The garden and terracotta edging are also features of the significance for the local heritage item and a large native gum is located in the rear yard.

The locality surrounding the subject site contains primarily traditional pitched roof dwellings, a number of which are heritage listed or within heritage conservation areas. This theme continues to the immediate east, north, south and west, with the exception of Homebush Boys High School is located on the western side of Bridge Road.





**Figure 2 – The subject site as viewed from Burlington Road**



**Figure 3 – Opposite the site on the northern side of Burlington Road**



**Figure 4 – The north western corner of the existing federation bungalow at the site**





**Figure 5 – The eastern façade, existing driveway and garage**



**Figure 6 – The rear yard and mature native gum**

## **Background**

16 March 2021	Council issued a pre-Application advice letter based on plans generally consistent with the proposed works under the subject Application.
9 June 2021	The subject Application was lodged with Council.
18 June 2021	The subject Application was neighbour notified for 14 days. No submissions were received.
30 August 2021	<p>A Request for Further Information (RFI) was issued to the Applicant requesting the following:</p> <ul style="list-style-type: none"> <li>• Removal of the basement, to be located in the rear yard, from the proposed development. Concerns related to soft landscaping area compliance and impacts on the character of the heritage item,</li> <li>• Reduction in the rear balcony area to comply with Part A of Council's DCP.</li> <li>• Various Heritage concerns as follows: <ul style="list-style-type: none"> <li>○ The need to address Part P of Council's DCP in the Statement of Heritage Impact,</li> <li>○ The need for visual depictions of how the proposed basement will impact on the heritage qualities of the subject site,</li> <li>○ The carport is not supported,</li> <li>○ The proposed addition cannot remove or impact on the existing chimneys and the original roof form must remain legible,</li> </ul> </li> </ul>
4 October 2021	Additional information was submitted to Council via the NSW Planning Portal. The information was inadequate (the basement remained on the plans, among other minor issues).
4 October – 2 November 2021	Ongoing correspondence between Council and the Applicant occurred to resolve issues with a number of revisions to the design drawings. The issues were mostly drafting errors, rather than intentional disregard for Council's requirements. The Applicant was afforded a number of opportunities to finalise the plans considering the circumstances and home owner managed Application. The final design incorporates removal of the basement.

Due to the NSW Lockdown, a 'drive by' site inspection was undertaken by the Assessing Officer. This, as well as site photos provided by Council's Heritage Planner during their site visit, provided sufficient familiarity with the site for assessment of the proposed development.

## **Referrals – Internal and External**

### **Heritage Advisor Comments**

Council's Heritage Advisor reviewed the Application and provided the following comments on the final scheme:

### **Discussion**

*The plans for a simple carport are supported considering the existing parking provisions on site. The proposed carport appears to not detract from the heritage item and incorporates Victorian elements.*

*Much of the original northern roof form is converted into room space. However, it is noted that the original store roof area from the front of the property is retained. The plans do not appear to be scaled correctly. As such, conditions of consent require matching of the proposed western dormer with the existing eastern dormer (i.e. pulling back the proposed dormer to be in line with the existing), so that the roof and dormers appear similar each size. This does not mean that the bedrooms need to be reduced in size, just the location of the dormer window and roof. It may make a room where storage is built in under the windows.*

*The amended plans for the upper level will still allow the edge of original heritage home to be interpreted and thus can be supported.*

### **Assessment**

<i>Side extension – supported with conditions</i>	<p><i>The introduction of a glass section on the North Elevation (DA15) dated 30/9/2021, which allows the edge of the original heritage property to be easily interpreted is supported on heritage grounds.</i></p> <p><i>All chimney's need to be retained. The eastern elevation roof extension on the northern slope is to reduce to the same setback as the existing south-facing roof extension.</i></p>
<i>The rear balcony - supported</i>	<p><i>The rear balcony is within the newer extension. I do not object on heritage grounds</i></p>
<i>New window opening (lower ground floor) – supported with conditions</i>	<p><i>The opening is within the original fabric of the dwelling and was once linked the dining room to the verandah. This space is used now for an unventilated ensuite for bedroom 6. Therefore to allow for adequate ventilation and to limit damage to the heritage item due to damp caused by the ensuite, I do not object to the installation of the window.</i></p> <p><i>However, the window W01 measures (800mm by 1160mm) and is too large for the space. The window plan elevation and floor plan needs to be amended in order to retain a nib exterior wall and to centre the window in the space. The width of the new window should be a maximum width 50cm and centred within the space. It should be obscured glass to allow for easy interpretation as a new window and to provide privacy.</i></p>

<i>Add the materials and colours condition</i>	<i>Condition the material and colours for all new windows, carport and new roof. (Federation)</i>  <i>Schedule of External Colours and Finishes (Houses) (CC8022)</i>
<i>Carport – supported with conditions (removal of Victorian Era lacework and roof form)</i>	<i>In reviewing, the available garage and the manoeuvrability of the cars to actually access the space, I agree with the owner that the current garage is only suitable for a single car and storage.</i>  <i>Therefore, I support a carport. The carport should be simple structure. The carport submitted with the plans is suitable (shown on DA13 – dated 30/4/2021). The Victorian lacework and bullnose roof is inappropriate for a Federation house. A flat roof and no Victorian lacework better reflects the Federation era.</i>

#### **Development Engineer Comments**

Council's Development Engineer reviewed the Application and provided the following comments:

*I have reviewed the stormwater management plan prepared by Ebru Onal Designworks issue A drawing no. DA23 dated 19.10.2021 relating to the application.*

*I have made an assessment based on the topography of the site and the proposed stormwater system.*

*Proposed alterations and additions stormwater system connects to existing site drainage. From engineering perspective, concept plan is feasible and no objections are raised.*

#### **Traffic Engineer Comments**

Council's Traffic Engineer reviewed the Application and provided the following comments:

*All aspects of the off-street parking has been assessed against the AS2890 series. Whilst vehicular access is considered satisfactory, details of the parking layout in the proposed basement have not been provided. The basement appears to be excessive in size which contradicts to Council's CDCP Part A Clause 8.1 which requires excavation to be minimised to reduce disturbance to natural ground level.*

#### **Section 4.15 Assessment – EP&A Act 1979**

The following is an assessment of the application with regard to Section 4.15 (1) of the Environmental Planning and Assessment Act 1979.

##### **(1) Matters for consideration – general**

***In determining an application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:***



- (a) *the provision of:*  
 (i) *any environmental planning instrument,*

### **Strathfield Local Environmental Plan**

The development site is subject to the Strathfield Local Environmental Plan 2012.

### **Part 2 – Permitted or Prohibited Development**

#### **Clause 2.1 – Land Use Zones**

The subject site is zoned R2-Low Density Residential and the proposal is a permissible form of development with Council's consent.

### **Part 4 – Principal Development Standards**

Applicable SLEP 2012 Clause	Development Standards	Development Proposal	Compliance/ Comment
<b>4.3</b> Height of Buildings	9.5m	Existing height of 9.14m unchanged by proposal.	Yes
<b>4.4</b> Floor Space Ratio	0.5:1 (967m <sup>2</sup> )	0.32:1 (622m <sup>2</sup> )	Yes

### **Part 5 – Miscellaneous Provisions**

#### **Heritage Conservation**

The proposal is identified as a Heritage Item I25 under Schedule 5 of SLEP 2012 and a Heritage Impact Statement has been submitted with the application. The application was referred to Council's Heritage Officer who has advised that the proposed works are satisfactory subject to the imposition of a number of conditions, which have been included in the draft conditions of consent.

It is considered that the proposed works, as amended and conditioned, satisfactorily address the provisions of this Clause.

### **Part 6 – Additional Local Provisions**

#### **Acid Sulfate Soils**

The subject site is identified as having Class 5 Acid Sulfate Soils but is not located within 500m of a Class 1, 2 3 or 4 soils. Therefore, Development Consent under the provisions of this section is not required and as such an Acid Sulfate Soils Management Plan is not required.

#### **Earthworks**

The proposal does not include any significant excavation or basement works. Any excavation for footings or levelling of the site is considered to be minor and will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

## **Essential Services**

Clause 6.4 of the SLEP 2012 requires consideration to be given to the adequacy of essential services available to the subject site. The subject site is located within a well serviced area and features existing water and electricity connection and access to Council's stormwater drainage system. As such, the subject site is considered to be adequately serviced for the purposes of the proposed development

It is considered that the proposed development satisfies the aims, objectives and development standards, where relevant, of the Strathfield LEP 2012.

## **STATE ENVIRONMENTAL PLANNING POLICY (BUILDING SUSTAINABILITY INDEX: BASIX) 2004**

As the value of works is less than \$50,000, there is no requirement for the application to be assessed in accordance with the BASIX SEPP.

## **STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND (SEPP 55)**

SEPP 55 applies to the land and pursuant to Section 4.15 is a relevant consideration.

A review of the available history for the site gives no indication that the land associated with this development is contaminated. There were no historic uses that would trigger further site investigations.

The objectives outlined within SEPP 55 are considered to be satisfied.

## **STATE ENVIRONMENTAL PLANNING POLICY (VEGETATION IN NON-RURAL AREAS) 2017**

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 replaces the repealed provisions of clause 5.9 of SLEP 2012 relating to the preservation of trees and vegetation.

The intent of this SEPP is consistent with the objectives of the repealed Standard where the primary aims/objectives are related to the protection of the biodiversity values of trees and other vegetation on the site.

The proposed development does not result in the removal or loss of any trees or vegetation subject to the provision of this SEPP.

The aims and objectives outlined within the SEPP are considered to be satisfied.

### ***(ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and***

There are no draft planning instruments that are applicable to this site.

### ***(iii) any development control plan,***

The proposed development is subject to the provisions of the Strathfield Consolidated Development Control Plan 2005. The following comments are made with respect to the proposal satisfying the relevant objectives and controls contained within Part A the DCP.

Applicable DCP Controls	DCP Controls	Development Proposal	Compliance/ Comment
<b>Building Envelope</b>			
<b>Floor Space Ratio:</b>			
<b>Heights:</b>			
Floor to ceiling heights:	3.0m	2.7m	Yes
Height to underside of eaves:	7.2m	7.0m	Yes
Height of detached garage/ carport:	3.5m	2.55m	Yes
Number of Storeys/Levels:	2	2	Yes
<b>Setbacks:</b>			
Detached garage/carport	Nil/0.5m/1.5m	1.0M	Yes
<b>Landscaping</b>			
Landscaping/Deepsoil Provisions:	870m <sup>2</sup> (1,934 x 45%)	No changes to existing landscape area	Existing non-compliance
<b>Solar Access</b>			
POS or habitable windows	3hrs to habitable windows and to 50% of POS	3hrs to habitable windows and to 50% of POS	Yes, refer to discussion
<b>Vehicle Access and Parking</b>			
No. of Parking Spaces:	2	2+	Yes, refer to discussion

### Building Envelope

The proposed development incorporates the creation of a dormer style extension on the western wide of the existing dwelling. The design will mirror the existing dormer on the eastern side and the proposed carport will be compatible with the heritage qualities of the site. The proposed extensions do not impact on the front, side or rear setbacks of the existing dwelling. The proposed carport is positioned 1.0m from the property boundary, however it is open on 3 sides and therefore subject to a nil setback requirement and is compliant with the setback requirements.

Accordingly, the proposal satisfies the objectives and controls within the development control plan relevant to:

- Building Scale, height and floor space ratio
- Rhythm of Built Elements in the Streetscape,
- Fenestration and External Materials, and
- Street Edge

### Landscaping and Open Space

The proposed development does not include any changes to the existing soft landscaped areas, noted as currently non-compliant (682m<sup>2</sup>). The only proposed external works is construction of the carport, which will be located over the existing driveway.

### Solar Access



Given the north-south orientation of the site and design of the proposed extension, solar access to windows of habitable rooms and to at least 50% of the private open space is maintained for a minimum period of 3 hours between 9.00am-3:00pm at the winter solstice. Solar access is also achieved or maintained to the private open space of the adjoining premises. The proposal is considered to generally satisfy the relevant objectives and controls of the SCDP 2005.

### **Privacy**

The proposed development satisfies the relevant objectives and controls of the SCDP 2005, in that adequate privacy is maintained between adjoining properties and any potential overlooking is minimised.

The windows for the proposed extension do not extend beyond the existing footprint of the building, ensuring the generous existing setback to the west of approximately 12m is maintained. All new windows are also proposed for new bedrooms, being low activity spaces.

The proposed rear balcony complies with the maximum dimensions for rear balconies and utilises existing structural elements on the first floor, ensuring the balcony maintains the existing rear setback of approximately 20m.

### **Vehicular access, Parking and Basements**

The proposed development satisfies the relevant objectives and controls of the SCDP 2005 in that it provides the minimum number of required parking spaces and adequate vehicular access provisions.

The proposed carport is likely to increase the available on site car spaces to more than 2, with the existing garage allowing for 2 car spaces and additional space set aside for a pool room. The proposed car port is a minor structure, open on all sides and a reasonable addition for a large site with heritage constraints that render features such as the basement original sought inappropriate.

### **Water and Soil Management**

The proposed development satisfies the relevant objectives and controls of the SCDP 2005 and complies with Council's Stormwater Management Code. A soil erosion plan will be required as a condition of consent to prevent or minimise soil disturbances during construction.

### **Access, Safety and Security**

The proposed development satisfies the relevant objectives and controls of the SCDP 2005. Separate pedestrian and vehicle access provisions are maintained, passive surveillance of the public street has been maintained providing safety and perception of safety in the street.

## **PART H – Waste Management (SCDP 2005)**

A Waste Management Plan (WMP) was not submitted with the Application. Conditions of consent will require preparation of a WMP consistent with Part H of Strathfield CDOP 2005 prior to issue of a construction certificate for issue to the Principal Certifier.

## **PART P – Heritage (SCDCP 2005)**

Council's Heritage Advisor reviewed the proposed development which incorporates alterations and additions to local heritage item I25 "Billesdon". In providing their referral response, Council's Heritage Advisor considered Section 2 of Part P which relates to works on heritage items. In accordance with Section 2, the proposed alterations maintain the setting, scale and form of the existing federation dwelling. The proposed western dormer extension will mirror the existing eastern dormer and conditions of consent will ensure consistent materials and colours are applied to achieve a sympathetic outcome. The rear balcony also achieves a sympathetic outcome, as outlined by Council's Heritage Advisor.

In accordance with Section 2.8 of Part P (car parking), the proposed carport is set behind the building line and the carport will be located behind the dwellings veranda. Council's Heritage Advisor has confirmed the proposed car port achieves a sympathetic outcome.

**(iv) *Any matters prescribed by the regulations, that apply to the land to which the development application relates,***

The requirements of Australian Standard AS2601–1991: *The Demolition of Structures* is relevant to the determination of a development application for the demolition of a building.

The proposed development does not involve the complete demolition of a building, only minor internal demolition of walls and partial demolition and replacement of the existing roof. Should this application be approved, appropriate conditions of consent may be imposed to ensure compliance with the requirements of the above standard.

**(b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,***

The proposed development is of a scale and character that respects the unique heritage qualities of the subject site. Accordingly, the proposal is not considered to have a significant impact on the natural and built environment or any negative social or economic impacts on the locality.

**(c) *the suitability of the site for the development,***

It is considered that the proposed development is of a scale and design that is suitable for the site having regard to its size and shape, its topography, vegetation and relationship to adjoining developments.

**(d) *any submissions made in accordance with this Act or the regulations,***

In accordance with the provisions of Councils Community Participation Plan, the application was placed on neighbour notification for a period of fourteen (14) days where adjoining property owners were notified in writing of the proposal and invited to comment. No submissions were made during this period.

**(e) *the public interest.***

The proposed development is of a scale and character that does not conflict with the public interest.

## Local Infrastructure Contributions

Section 7.13 of the EP&A Act 1979 relates to the collection of monetary contributions from applicants for use in developing key local infrastructure. This section prescribes in part as follows:

A consent authority may impose a condition under section 7.11 or 7.12 only if it is of a kind allowed by, and is determined in accordance with, a contributions plan (subject to any direction of the Minister under this Division).

Strathfield Council's Indirect Contributions Plan (7.12) does not require payment of contributions for developments with a cost of works less than \$100,000.00. Accordingly, the proposal, with a cost of works of \$48,000.00 is not subject to local infrastructure contributions.

## Conclusion

The application has been assessed having regard to the Heads of Consideration under Section 4.15 (1) of the Environmental Planning and Assessment Act 1979, the provisions of the SLEP 2012 and SCDCP 2005.

Following detailed assessment it is considered that Development Application No. 131/2021 should be approved, subject to conditions of consent.

**Signed:**

**Date: 9 November 2021**

**J Gillies  
Senior Planner**

- ☒ I confirm that I have determined the abovementioned development application with the delegations assigned to my position;
- ☒ I have reviewed the details of this development application and I also certify that Section 7.11/7.12 Contributions are not applicable to this development;

Report and recommendations have been peer reviewed and concurred with.

**Signed:**

**Date: 10 November 2021**

**M Rivera  
Senior Planner**



The following conditions of consent are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instrument and/or Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To protect the environment.
- (c) To ensure that there is no unacceptable impact on the amenity of the area, or to private and public property.
- (d) It is in the public interest.

## DEVELOPMENT DETAILS

### (1) Approved Plans & Documentation

The development must be implemented in accordance with the approved plans and supporting documentation listed below which have been endorsed by Council's approved stamp, except where marked up on the plans and/or amended by conditions of this consent:

Description	Reference No.	Date	Revision	Prepared by
Site Plan	DA01	19/10/21	A	Ebru Onal Design Works
First Floor Demolition Plan	DA05	19/10/21	A	Ebru Onal Design Works
Roof demolition Plan	DA06	19/10/21	A	Ebru Onal Design Works
Proposed Ground Floor	DA08	19/10/21	A	Ebru Onal Design Works
Proposed First Floor	DA09	19/10/21	A	Ebru Onal Design Works
Proposed Roof Plan	DA10	19/10/21	A	Ebru Onal Design Works
East Elevation	DA11	19/10/21	A	Ebru Onal Design Works
West Elevation	DA12	19/10/21	A	Ebru Onal Design Works
North Elevation	DA13	19/10/21	A	Ebru Onal Design Works

South Elevation	DA14	19/10/21	A	Ebru Onal Design Works
Section 1	DA16	19/10/21	A	Ebru Onal Design Works
Section 2	DA16	19/10/21	A	Ebru Onal Design Works
Section 3	DA18	19/10/21	A	Ebru Onal Design Works
Doors and Window Schedule	DA19	19/10/21	A	Ebru Onal Design Works
Finishes Schedule	DA20	19/10/21	A	Ebru Onal Design Works
Stormwater Concept	DA23	19/10/21	A	Ebru Onal Design Works

## SEPRARATE APPROVALS REQUIRED UNDER OTHER LEGISLATION

### (2) Section 138 Roads Act 1993 and Section 68 Local Government Act 1993

Unless otherwise specified by a condition of this consent, this Development Consent does not give any approval to undertake works on public infrastructure.

Separate approval is required under Section 138 of the [Roads Act 1993](#) and/or Section 68 of the [Local Government Act 1993](#) for any of the following activities carried out in, on or over a public road (including the footpath) listed below.

An application is required to be lodged and approved prior to the commencement of any of the following works or activities;

- (a) If any excavation is to be supported by the use of below ground (cable) anchors that are constructed under Council's roadways/footways.
- (b) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
- (c) Establishing a "works zone";
- (d) Placing or storing materials or equipment;
- (e) Placing or storing waste containers or skip bins;
- (f) Stormwater & ancillary to public infrastructure on private land

- (g) Erecting a structure or carrying out work

These separate activity approvals (a)-(g) must be obtained and evidence of the approval provided to the Certifying Authority prior to the issue of the Construction Certificate.

- (h) Pumping water from the site into the public road;
- (i) Constructing a vehicular crossing or footpath;
- (j) Digging up or disturbing the surface of a public road (e.g. Opening the road for the purpose of connections to utility providers);
- (k) Stormwater & ancillary works in the road reserve; and
- (l) Pumping concrete from a public road;

These separate activity approvals must be obtained and evidence of the approval provided to the Certifying Authority prior to the activities commencing.

The relevant Application Forms for these activities can be downloaded from Council's website [www.strathfield.nsw.gov.au](http://www.strathfield.nsw.gov.au). For further information, please contact Council's Customer Service Centre on (02) 9748 9999.

## **REQUIREMENTS OF CONCURRENCE, INTEGRATED & OTHER GOVERNMENT AUTHORITIES**

### **(3) Sydney Water – Tap in™**

The approved plans must be submitted to a Sydney Water Tap in™ to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately endorsed. For details please refer to 'Plumbing, building and developing' section of Sydney Water's web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then see 'Building', or telephone 13000 TAP IN (1300 082 746). The Certifying Authority must ensure that a Tap in™ agent has appropriately stamped the plans prior to the issue of the Construction Certificate.

## **PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

### **(4) Fees to be Paid**

The fees listed in the table below must be paid in accordance with the conditions of this consent and Council's adopted Fees and Charges applicable at the time of payment (available at [www.strathfield.nsw.gov.au](http://www.strathfield.nsw.gov.au)).

Payments must be made prior to the issue of the Construction Certificate or prior to the commencement of work (if there is no associated Construction Certificate).

Please contact council prior to the payment of s7.11 or s7.12 Contributions to determine whether the amounts have been indexed from that indicated below in this consent and the form of payment that will be accepted by Council.



A summary of the fees to be paid are listed below:

Fee Type	Fee
<b>GENERAL FEES</b>	
Long Service Levy (to Long Service Corporation)  Or, provide evidence of Payment direct to the Long Service Corporation. See <a href="https://longservice.force.com/bci/s/levy-calculator">https://longservice.force.com/bci/s/levy-calculator</a>	\$ 167.00
Security Damage Deposit	\$ 1,330.00
Tree Bond (2x Street Trees)	\$ 6,000.00
Administration Fee for Damage Deposit	\$ 130.00
Administration Fee for Tree Bond	\$ 130.00

### General Fees

The fees and charges above are subject to change and are as set out in the version of Council's Schedule of Fees and Charges or as required by other Government Authorities, applicable at the time of payment.

### (5) Required Design Changes

The following changes are required to be made and shown on the Construction Certificate plans:

Dormer Windows and roof line	The proposed dormer roof and windows on the northern roof slope is to be reduced to match the existing southern and eastern setback of the existing south-facing roof extension. This will incorporate a reduction of approximately 1m.
Carport	The Victorian lacework is to be removed. The bullnose is to be replaced by a flat roof.
Ensuite window (lower floor)	The width of the new window should be a maximum width 50cm and centred within the space and is to be of obscured glass.

### (6) Damage Deposit – Minor Works

In order to insure against damage to Council property the following is required:

- Pay Council, before the issue of the Construction Certificate, a damage security deposit for the cost of making good any damage caused to any Council property as a result of the development: \$1,330.00.
- Pay Council, before the issue of the Construction Certificate, a non-refundable administration fee to enable assessment of any damage and repairs where required: \$130.00

- (c) Submit to Council, before the commencement of work, a photographic record of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

At the completion of work Council will inspect the public works, and the damage deposit will be refunded in full upon completion of work where no damage occurs. Otherwise the amount will be either forfeited or partly refunded according to the amount of damage.

#### **(7) Tree Bond**

A tree bond of \$6,000.00 (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

The deposit is required as security against any damage to existing trees to be retained on Council's road reserve, during works on the site. The applicant must bear the cost of all restoration works to Council's property damaged during the course of this development.

Payment may be accepted in the form of cash, bank guarantee, cheque or credit card (financial transactions fees apply). Note: Additional fees apply for the lodgement of a bank guarantee in lieu of cash bond applies in accordance with Council's adopted Fees and Charges.

A request for refund of the Tree Bond must be made in writing.

Tree Bonds may be forfeited if a tree is dead, made dangerous or has been terminally damaged, or will be held until tree/s have fully recovered from the construction damage or were replacement/planted trees have become fully established and are over 6 metres in height.

#### **(8) Schedule of External Colours and Finishes (Houses)**

The external colour scheme is to comprise predominantly of colours that have a hue and tonal relationship that is in keeping with the overall Federation character of the building and/or character of the Heritage Conservation Area. A schedule confirming all external materials, colours and finishes including windows, doors and roofing materials shall be submitted to and approved by Council's Heritage Advisor prior to the issue of the Construction Certificate. The documentation must show the distribution of the colours on the elevation drawings, specify paint types and include colour swatches/colour names and codes.

It is recommended that reference be made to the book "Colour Schemes for Old Australian Houses" by Ian Evans, Clive Lucas and Ian Stapleton.

#### **(9) General Heritage**

- (a) The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building which is listed as a Heritage Item.
- (b) The fabric and features to be retained by the proposal must be properly protected during the process of demolition and construction.
- (c) All conservation and adaptation works are to be in accordance with the [Articles of the Australian ICOMOS Burra Charter 1999](#).
- (d) New services are to be surface mounted rather than chased-in to existing walls to

minimise impact on heritage fabric.

- (e) Appropriately qualified tradespersons (as appropriate) are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works.
- (f) The new windows and doors on the existing building must match the original material.
- (g) The face brickwork/stone/tiles must not be rendered, painted or coated.
- (h) Where internal partitions meet external walls they must abut window mullions, columns or other such building elements and not glazing.
- (i) The original roof cladding, of a heritage item or contributory building within a heritage conservation area, must be retained (OR is matched like to like). (The tiled roof pattern is to be maintained).
- (j) No Sandblasting to remove paint from brick or stone should not be undertaken on a heritage item or contributory building in a Heritage Conservation area.
- (k) Original driveways and footpath crossings are not to be relocated.
- (l) Original or early garden layouts that contribute to the streetscape or to the significance of the heritage item are to be protected and not be altered.
- (m) Modern technologies should not be higher than the main ridge line of a building that is or is part of a heritage item (or within a heritage conservation area) is to be located so they are not visible from the Public Domain.
- (n) Original fencing styles and materials should be repaired and retained.

#### **(10) Building Works To Comply With BCA – Heritage Buildings**

Any building works required to ensure compliance with the BCA or new building standards not specified in the submitted/approved plan must not damage existing fabric and building features. If such upgrading works will potentially impact on existing fabric and features, details of the works must be submitted and approved by Council's Heritage Advisor prior to issue of a Construction Certificate.

#### **(11) Photographic Archival Documentation (Minor Works)**

Prior to a Construction Certificate being issued, an archival photographic recording of the 104-106 Burlington Rd is to be prepared to Council's satisfaction. The recording is to be in digital form, or a combination of both, prepared in accordance with Heritage NSW guidelines titled "Photographic Recording of Heritage Items using Film or Digital Capture". One copy of the record is to be submitted to Council to be lodged with Council's Archives.

The form of the recording is to be as follows:

- (a) The Development Application number must be noted on the submitted information.
- (b) Include a summary report detailing the project description, date and authorship of the photographic record, method of documentation and limitations of the photographic record.
- (c) Include written confirmation, issued with the authority of both the applicant and the

photographer that Strathfield Council is granted a perpetual non-exclusive licence to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.

- (d) The report is to be submitted on a USB, CD or DVD, in PDF/A format, (created directly from the digital original), with the digital catalogue of images containing the following data for each: DOS title, image subject/description and data photograph was taken.
- (e) The electronic images are to be taken with a minimum 8 megapixel camera, saved as JPEG TIFF or PDF files with a size of approximately 4-6MB, and cross referenced to the digital catalogue sheets and base plans. Choose only images that are necessary to document the process, and avoid duplicate images.

**(12) Special Heritage Condition - Details on Retention of all Chimneys**

Prior to the issue of the Construction Certificate, Structural details, specifications, the methodology of how all chimneys are to be retained, repaired and rebuilt (like for like) are to be submitted and approved by the Councils Heritage Advisor. Appropriately qualified contractors and tradespersons are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed works.

**(13) Erosion & Sedimentation Control**

Erosion and sediment controls must be provided to ensure:

- (a) Compliance with the approved Erosion & Sediment Control Plan
- (b) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)
- (c) All clean water run-off is diverted around cleared or exposed areas
- (d) Silt fences, stabilised entry/exit points or other devices are installed to prevent sediment from entering drainage systems or waterways
- (e) All erosion and sediment controls are fully maintained for the duration of demolition, excavation and/or development works
- (f) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadway
- (g) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar
- (h) Compliance with [Managing Urban Stormwater – Soils and Construction \(Blue Book\) produced by Landcom 2004.](#)

These measures are to be implemented prior to the commencement of work (including demolition and excavation) and must remain until works are completed and all exposed surfaces are landscaped/sealed.

**(14) Stormwater System**



The submitted stormwater plan has been assessed as a concept plan only. Final detailed plans of the drainage system in accordance with Council stormwater management code and AS/NZS 3500.3: 2015 (as amended), prepared by a professional engineer specialising in hydraulic engineering, shall be submitted for approval with the Construction Certificate.

**(15) Drainage System – Maintenance of Existing System**

Where elements of the existing drainage system are to be utilised, the existing drainage system shall be overhauled and maintained clear of silt and accumulated debris. Silt and the like shall be removed, not flushed from the system.

A certificate shall be provided by a suitably qualified person (a registered plumber or a person of equivalent or greater experience or qualification) to the satisfaction of the Principal Certifying Authority, prior to the issue of any Occupation Certificate to confirm that the system is in good working order and adequate to accept additional flows having regard to any relevant standards and/or Sydney Water requirements.

**(16) Waste Manage Plan (WMP)**

Prior to the issue of a Construction Certificate, a Waste Management Plan (WMP) must be submitted and it must comply with the requirements contained within Part H of Strathfield Development Control Plan 2005 (DCP 2005). A WMP will become part of any development consent issued and aims to facilitate better waste management, waste minimization and resource recovery.

The WMP is an important planning document that will not only be utilised as part of the development application process, but during construction and for the ongoing use of the development. The WMP will continue to apply as a working reference for the life of the development.

At least one copy of the WMP is to be available on site at all times during construction. Copies of demolition and construction waste dockets that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.

**(17) Tree Removal/Pruning Prohibited**

This consent does not approve the removal or pruning (branches or roots) of any trees on the subject property, Council's public footway, public reserves or on neighbouring properties.

**PRIOR TO THE COMMENCEMENT OF WORK (INCLUDING DEMOLITION & EXCAVATION)**

## **(18) Demolition & Asbestos**

The demolition work shall comply with the provisions of Australian Standard AS2601:2001 – Demolition of Structures, NSW [Work Health & Safety Act 2011](#) and the NSW [Work Health & Safety Regulation 2011](#). The work plans required by AS2601:2001 shall be accompanied by a written statement by a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the safety statement shall be submitted to the PCA prior to the commencement of works.

For demolition work which involves the removal of asbestos, the asbestos removal work must be carried out by a licensed asbestos removalist who is licensed to carry out the work in accordance with the NSW [Work Health & Safety Act 2011](#) and the NSW [Work Health & Safety Regulation 2011](#) unless specified in the Act and/or Regulation that a license is not required.

All demolition work including the removal of asbestos, shall be undertaken in accordance with the [Demolition Code of Practice](#) (NSW Work Cover July 2015)

**Note:** Copies of the Act, Regulation and Code of Practice can be downloaded free of charge from the SafeWork NSW website: [www.SafeWork.nsw.gov.au](http://www.SafeWork.nsw.gov.au).

## **(19) Demolition Notification Requirements**

The following notification requirements apply to this consent:

- (a) The developer /builder must notify adjoining residents five (5) working days prior to demolition. Such notification is to be a clearly written note giving the date demolition will commence, contact details of the developer/builder, licensed asbestos demolisher and the appropriate regulatory authority. Notification is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side and immediately at the rear of the demolition site.
- (b) Five (5) working days prior to demolition, the developer/builder is to provide written notification to Council advising of the demolition date, details of the SafeWork licensed asbestos demolisher and the list of residents advised of the demolition.
- (c) On demolition sites where buildings to be demolished contain asbestos, a standard commercially manufactured sign containing the words “DANGER ASBESTOS REMOVAL IN PROGRESS” measuring not less than 400mm x 300mm is to be erected in a prominent visible position (from street frontage) on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site to an approved waste facility.

## **(20) Structural Integrity of Retained Building Elements**

Prior to a commencement of demolition, excavation or construction work, a report or certification from a practicing structural engineer experienced in dealing with heritage buildings must be submitted to and approved by Council's Heritage Advisor. The report must explain how the retained building elements, such as building facades or chimneys are to be retained, supported and not undermined by the proposed development and give details of any intervention or retrofitting needed.

## **(21) Materials for Making Good**

New materials for making good and repairs, are to match the existing in terms of colours,

finishes, sizes, profile and properties.

## **DURING CONSTRUCTION**

### **(21) Site Sign – Soil & Erosion Control Measures**

Prior to the commencement of works (including demolition and excavation), a durable site sign, issued by Council in conjunction with this consent, must be erected in a prominent location on site. The site sign warns of the penalties which apply to pollution, storing materials on road or footpath and breaches of the conditions relating to erosion and sediment controls. The sign must remain in a prominent location on site up until the completion of all site and building works.

## **PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE**

### **(22) Stormwater Certification of the Constructed Drainage Works (Minor)**

The constructed stormwater system shall be certified by a suitably qualified person, in accordance with Council's Stormwater Management Code, prior to the issue of any Occupation Certificate.

### **(23) Stormwater Drainage Works – Works As Executed**

Prior to the issue of the Occupation Certificate, stormwater drainage works are to be certified by a professional engineer specialising in hydraulic engineering, with Works-As-Executed drawings supplied to Council detailing:

- (a) Compliance with conditions of development consent relating to stormwater;
- (b) The structural adequacy of the On-Site Detention system (OSD);
- (c) That the works have been constructed in accordance with the approved design and will provide the detention storage volume and attenuation in accordance with the submitted calculations;
- (d) Pipe invert levels and surface levels to Australian Height Datum;
- (e) Contours indicating the direction in which water will flow over land should the capacity of the pit be exceeded in a storm event exceeding design limits.

Council's Engineering Services section must advise in writing that they are satisfied with the Works-As-Executed prior to the issue of an Occupation Certificate.

## **OPERATIONAL REQUIREMENTS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979**

**(24) Requirement for a Construction Certificate**

The erection of a building must not commence until a Construction Certificate has been issued.

**(25) Appointment of a PCA**

The erection of a building must not commence until the applicant has:

- (a) appointed a PCA for the building work; and
- (b) if relevant, advised the PCA that the work will be undertaken as an Owner -Builder.

If the work is not going to be undertaken by an Owner - Builder, the applicant must:

- (c) appoint a Principal Contractor to undertake the building work. If residential building work (within the meaning of the [Home Building Act 1989](#)) is to be undertaken, the Principal Contractor must be a holder of a contractor licence; and
- (d) notify the PCA of the details of any such appointment; and
- (e) notify the Principal Contractor of any critical stage inspections or other inspections that are required to be carried out in respect of the building work.

**(26) Notification of Critical Stage Inspections**

No later than two days before the building work commences, the PCA must notify:

- (a) the consent authority and the Council (if not the consent authority) of his or her appointment; and
- (b) the applicant of the critical stage inspections and other inspections that are to be carried out with respect to the building work.

**(27) Notice of Commencement**

The applicant must give at least two days notice to the Council and the PCA of their intention to commence the erection of a building.

**(28) Occupation Certificate**

A person must not commence occupation or use of the whole or any part of a new building unless an Occupation Certificate has been issued in relation to the building or part.

**PRESCRIBED CONDITIONS**



**(29) Clause 98 – Building Code of Australia & Home Building Act 1989**

Requires all building work to be carried out in accordance with the Building Code of Australia. In the case of residential building work to which the [Home Building Act 1989](#) relates, there is a requirement for a contract of insurance to be in force before any work commences.

**(30) Clause 98B – Home Building Act 1989**

If the development involves residential building work under the [Home Building Act 1989](#), no work is permitted to commence unless certain details are provided in writing to Council. The name and licence/permit number of the Principal Contractor or Owner Builder and the name of the Insurer by which work is insured under Part 6 of the [Home Building Act 1989](#).

## **ADVISORY NOTES**

### **1. Review of Determination**

Section 8.2 of the Environmental Planning and Assessment Act confers on an applicant who is dissatisfied with the determination of the application the right to lodge an application with Council for a review of such determination. Any such review must however be completed within 6 months from its determination. Should a review be contemplated sufficient time should be allowed for Council to undertake public notification and other processes involved in the review of the determination.

Note: review provisions do not apply to Complying Development, Designated Development, State Significant Development, Integrated Development or any application determined by the Sydney East Planning Panel or the Land & Environment Court.

### **2. Appeal Rights**

Division 8.3 (Reviews and appeals) Part 8 of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court of New South Wales.

### **3. Lapsing of Consent**

This consent will lapse unless the development is physically commenced within 5 years from the Date of Operation of this consent, in accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979 as amended.

### **4. Long Service Levy**

The Long Service Corporation administers a scheme which provides a portable long service benefit for eligible workers in the building and construction industry in NSW. All benefits and requirements are determined by the Building and Construction Industry Long Service Payments Act 1986. More information about the scheme and the levy amount you are required to pay to satisfy a condition of your consent can be found at <http://www.longservice.nsw.gov.au>.

The required Long Service Levy payment can be direct to the Long Service Corporation via their web site <https://online.longservice.nsw.gov.au/bci/levy>. Payments can only be processed on-line for the full levy owing and where the value of work is between \$25,000 and \$6,000,000. Payments will be accepted for amounts up to \$21,000, using either MasterCard

or Visa.

**5. Stormwater & Ancillary Works – Applications under Section 138 Roads Act and/or Section 68 Local Government Act 1993**

To apply for approval under Section 138 of the [Roads Act 1993](#):

- (a) Complete the Works Permit Application Form which can be downloaded from Strathfield Council's Website at [www.strathfield.nsw.gov.au](http://www.strathfield.nsw.gov.au).
- (b) In the Application Form, quote the Development Consent No. (eg. Year/DA2021/131) and reference this condition number (e.g. Condition 23)
- (c) Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Council's adopted Fees and Charges for the administrative and inspection charges associated with Works Permit applications.

An approval for a new or modified vehicular crossing will contain the approved access and/or alignment levels which will be required to construct the crossing and/or footpath. Once approved, all work shall be carried out by a private contractor in accordance with Council's specifications prior to the issue of an Occupation Certificate.

The developer must meet all costs of the extension, relocation or reconstruction of any part of Council's drainage system (including design drawings and easements) required to carry out the approved development.